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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91166169
Party	Defendant Hallmark Licensing, Inc. Hallmark Licensing, Inc. 2440 Pershing Road Kansas City, MO 64108
Correspondence Address	DAVID N. JOHNSON, ESQ. HALLMARK CARDS, INC. Legal Dept # 339 PO Box 419126 KANSAS CITY, MO 64141-6126
Submission	Motion to Amend Application
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Date	05/11/2006
Attachments	hoops-flambeau.pdf (3 pages)(39370 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Serial No.: 78445300
Filed: 7/2/2004
For the Mark: hoops&yoyo
Published: 6/7/2005

Flambeau, Inc.,
Opposer,

v.

Hallmark Licensing, Inc.,
Applicant.

Opposition No. 91166169

**MOTION TO AMEND APPLICATION AND MOTION FOR
RESETTING OF DISCOVERY AND TESTIMONY PERIODS**

Pursuant to 37 C.F.R. § 2.133, Applicant hereby requests that the following disclaimer be entered into the record of the referenced application:

No claim is made to the exclusive right to use “YOYO” in connection with yo-yos or any products which depict yo-yos.

Opposer has consented to such amendment, and a copy of their consent is attached hereto as Exhibit A. As indicated in that consent, it is Opposer’s intention to withdraw its opposition to said application if the requested amendment is made, and therefore approval by the Board of the requested amendment would facilitate resolution of the instant Opposition.

Additionally, in the event the Board does not approve and enter the amendment requested herein, Applicant moves that the Board re-set the dates of the discovery and testimony periods such that the discovery period closes no sooner than thirty (30) days after the Board serves upon the parties the Board’s response to Applicant’s Request for Amendment, and the other periods are rescheduled accordingly. Opposer has also consented to this request for resetting of the discovery and testimony periods, as indicated in the attached Exhibit A.

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By: /David N. Johnson/
David N. Johnson

Dated: May 11, 2006

CERTIFICATE OF MAILING

It is hereby certified that a true and correct copy of the above and foregoing Motion to Amend Application and Motion for Resetting of Discovery and Testimony Periods has been mailed via first class mail, postage pre-paid, this 11th day of May, 2006, to Opposer by sending same to Sonja Stauffacher, Assistant to General Counsel, Nordic Group of Companies, Ltd., 414 Broadway, Suite 200, Baraboo, WI 53913.

_____/David N. Johnson/_____
David N. Johnson

EXHIBIT A

**CONSENT TO AMENDMENT OF APPLICATION AND TO RESETTING
OF DISCOVERY AND TESTIMONY PERIODS**


Flambeau, Inc., Opposer in Opposition No. 91166169 entitled "Flambeau, Inc. v. Hallmark Licensing, Inc.," hereby consents to amendment of application serial no. 78445300 by addition to said application of the following:

No claim is made to the exclusive right to use "YOYO" in connection with yo-yos or any products which depict yo-yos.

Opposer intends to withdraw its opposition to said application if the aforesaid disclaimer is included in that application.

Opposer further consents to a resetting by the Trademark Trial and Appeal Board ("the Board") of the discovery and testimony periods in Opposition No. 91166169 in the event that the Board does not approve and enter the amendment set forth above, such that the discovery period closes no sooner than thirty (30) days after the Board serves upon the parties the Board's response to Applicant's request for that amendment, and the other periods are rescheduled accordingly.

FLAMBEAU, INC.

By: 

Name: Dana Roberts

Title: General Counsel

Date: 5/2/06